

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 744X)**

**CSX Transportation, Inc.—Abandonment Exemption—  
in Edgar County, Illinois**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of an approximately 1.03 mile line of railroad located in Edgar County, Illinois. The rail line proposed for abandonment extends from Railroad Milepost QSA 21.50 to Railroad Milepost QSA 22.53 near the City of Paris, Illinois (the Line). A map depicting the Line in relation to the area served are appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

CSXT submitted an Environmental Report concluding that the quality of the human environment would not be significantly affected as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

CSXT states that no local traffic has moved over the Line for at least two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 744X).

## *Salvage Activities*

If abandonment authority is granted in this proceeding, CSXT states that it intends to salvage rail, crossties, and possibly the upper layer of ballast from the rail right-of-way. CSXT does not intend to alter any sub grade structures or disturb the underlying roadbed. Salvaged materials would be removed using the right-of-way for access. There are no bridges or other structures on the Line that would be affected by salvage activities.

## *Transportation and Safety*

The proposed abandonment would result in the closure of one public at-grade road crossing, located at McMillian Street. CSXT states that the rail at the crossing has already been removed. According to a resolution passed by the Edgar County in support of the proposed abandonment, improvements to McMillian Street are planned following abandonment of the Line. OEA considers the closure of public at-grade crossings to be a beneficial impact on public safety because it reduces the possibility of collisions involving trains and motor vehicles. Accordingly, any impacts to transportation and safety from salvage activities would be beneficial and no mitigation is recommended.

## *Land Use*

Edgar County reviewed CSXT's environmental report and submitted comments in support of the proposed abandonment and indicated that no environmental impacts related to local land use plans would occur. Therefore, no mitigation regarding local land use plans are recommended.

Based on its review of the Illinois Coastal Management Program boundaries, OEA concludes that the proposed abandonment is not located within a designated coastal zone. Accordingly, federal consistency with the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*) would not be required.<sup>2</sup>

The U.S. Natural Resource Conservation Service (NRCS) submitted comments stating that the proposed abandonment would not result in any negative effects to prime farmland. Accordingly, no mitigation regarding the conservation of agricultural land is recommended.

The National Geodetic Survey (NGS) submitted comments stating that one geodetic station markers is located within the project area. Accordingly, OEA is recommending a condition requiring CSXT to consult with NGS at least 90 days prior to conducting any salvage

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<sup>2</sup> Illinois Coastal Management Program Boundaries, <https://www.dnr.illinois.gov/cmp/Pages/boundaries.aspx> (last visited August 21, 2015).

activities that could disturb or destroy the geodetic station marker in order to arrange for the possible relocation of the station marker by NGS.

### *Water Resources*

In its review of available data, OEA concluded that the Line does not cross areas containing wetlands and is not located within or adjacent to the 100 year floodplain.<sup>3</sup> The Line appears to cross one small, unnamed intermittent stream. According to CSXT, salvage activity would not result in any impacts to waterways or wetlands, including the unnamed stream. CSXT does not plan to deposit dredge or fill material in waterways or wetlands or to conduct any activities that could result in soil erosion. CSXT states that appropriate measures would be implemented to prevent or control spills of fuels, lubricants, or other pollutants from machinery involved in salvage operations.

CSXT requested comments from the U.S. Army Corps of Engineers (the Corps) regarding the need for a Corps permit under Section 404 of the Clean Water Act.<sup>4</sup> In its response, the Corps states that it does not have any comments on the general environmental impacts of the proposed project. Because salvage activities would not result in the discharge of dredge or fill material in waterways or wetlands, OEA concurs with CSXT that a Section 404 permit would not be required for the proposed abandonment. Therefore, no mitigation regarding impacts to wetlands or waterways is recommended.

CSXT requested comments from the U.S. Environmental Protection Agency (USEPA) and the Illinois Environmental Protection Agency (IEPA) regarding the need for a National Pollutant Elimination Program (NPDES) permit under Section 402 of the Clean Water Act<sup>5</sup> and compliance with other applicable federal, state, and local water quality regulations. In its response, USEPA states that the proposed salvage activities would be consistent with applicable federal, state, and local water standards and that a Section 402 permit would not be required. IEPA submitted comments stating that a Section 402 permit would not be required provided that the proposed abandonment does not result in land disturbance of equal to or greater than one acre. OEA notes that CSXT does not intend to disturb any land during salvage activities.

The Edgar County Soil and Water Conservation District (SWCD) reviewed CSXT's environmental report and submitted comments stating that, if USEPA standards are followed and appropriate measures to prevent or control spills of fuels, lubricants, or other pollutant material, the proposed abandonment would not result in any adverse impacts. OEA is therefore recommending an environmental mitigation condition requiring CSXT to consult with SWCD

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<sup>3</sup> Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited August 21, 2015).

<sup>4</sup> 33 U.S.C. § 1344.

<sup>5</sup> 33 U.S.C. § 1342.

prior to beginning salvage activities regarding the use of appropriate measures to prevent or control spills.

Because salvage activities would be limited to the salvage of rail, crossties, and the upper layer of ballast, and because no soil would be disturbed, OEA concurs with CSXT, USEPA, and SWCD, that the proposed abandonment would be in compliance with all applicable federal, state, and local water quality standards and that a Section 402 permit would not be required.

### *Hazardous Materials*

CSXT states that there are no known hazardous waste sites or sites where hazardous material spills have occurred within or adjacent to the right-of-way. OEA review has confirmed that there are no listed Superfund sites or brownfields in the vicinity of the Line.<sup>6</sup> Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

### *Biological Resources*

Pursuant to Section 7 of the Endangered Species Act at 50 C.F.R. § 402, OEA conducted a search of the United States Fish and Wildlife Service (USFWS) Information, Planning, and Conservation System (IPaC) in order to identify federally listed endangered and threatened species that could be affected by the proposed abandonment.<sup>7</sup> The table below shows the protected species known or thought to occur in the project area.

<b>Federally Protected Species Known or Thought to Occur in the Project Area</b>			
Group	Common Name	Scientific Name	Status
Flowering Plants	Eastern Prairie Fringed Orchid	<i>Platanthera leucophaea</i>	Threatened
Mammals	Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Threatened
	Indiana Bat	<i>Myotis sodalist</i>	Endangered

In its review, OEA confirmed that the rail lines proposed for abandonment do not cross any areas designated as critical habitat for either of these species.<sup>8</sup>

In response to NSR's request for agency input on the proposed abandonment, the U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would not be likely to affect and federally listed threatened or endangered species. Because

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<sup>6</sup> Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited August 21, 2015).

<sup>7</sup> U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited August 21, 2015).

<sup>8</sup> U.S. Fish and Wildlife Service, Critical Habitat Portal, [http://ecos.fws.gov/crithab/](http://ecos.fws.gov/ipac/http://ecos.fws.gov/crithab/) (last visited August 21, 2015).

salvage activities would be limited in scope and confined to an existing rail right-of-way, OEA concurs with CSXT and USFWS that no federally listed endangered or threatened species would be affected by the proposed abandonment. Accordingly, no mitigation regarding federally listed threatened or endangered species is recommended.

CSXT states, and OEA review has confirmed, that the Line does not cross and is not adjacent to any national, state, or local parks; wildlife refuges or sanctuaries; national forests; or other publicly managed lands. Accordingly, no mitigation regarding publicly managed lands is recommended.

### *Summary*

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is sending a copy of this EA to IEPA and SWCD for review and comment.

## **HISTORIC REVIEW**

According to CSXT, the Line was originally part of the Pennsylvania Railroad (PRR). It became part of the Penn Central Company (PC) network when PRR merged with New York Central Railroad (NYC) in 1968. PC filed for bankruptcy in 1970 and ownership of the Line passed to Consolidated Rail Corporation (Conrail), which the U.S. federal government formed in 1973 to take over certain rail lines of PC and other failed railroads. In 1999, CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation (NS) acquired joint control of Conrail. Some of Conrail's properties, including the Line, were assigned to New York Central Lines, LLC (NYC), which is a wholly owned subsidiary of Conrail exclusively operated by CSXT.

CSXT states that it does not know of any structures, archeological resources, or other historic properties along within the rail right-of-way (the Area of Potential Effect or APE) that are listed in or eligible for listing in the National Register of Historic Place (National Register). The Illinois Historic Preservation Agency (State Historic Preservation Officer or SHPO) has submitted comments stating that no historic properties would be affected by the proposed abandonment. OEA has reviewed the available information and concurs with the SHPO's comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the APE of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report,

all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.<sup>9</sup> The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- The Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas;
- The Kickapoo Tribe of Oklahoma; and
- The Peoria Tribe of Indians in Oklahoma.

OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. CSX Transportation, Inc. shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.**
- 2. Prior to beginning salvage activities, CSX Transportation, Inc. shall consult with the Edgar County Soil and Water Conservation District regarding the use of appropriate measures to prevent or control spills of fuels, lubricants, or other pollutant material and shall comply with that agency's reasonable recommendations.**

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, the proposed abandonment would not significantly affect the quality of the human environment.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by

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<sup>9</sup> National Park Service, National NAGPRA Program Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited August 28, 2015).

another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Josh Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket Number AB 55 (Sub-No. 744X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at [waylandj@stb.dot.gov](mailto:waylandj@stb.dot.gov).

Date made available to the public: September 4, 2015

**Comment due date: September 18, 2015**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis